

REMARKS

Claims 1-26 are pending in the instant application. New claim 29 is added herewith. Support for the amendments can be found throughout the specification and in the original claims of the application. No new matter is introduced. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter. Applicants further request reconsideration of the subject application based on the following remarks.

Objection to the Specification

The specification is objected to for reference to trademarks GOHSENL N-500 and GOHSENL G105. As suggested in the Action, Applicants have amended the references to note the trademarks herewith. Applicants thus request withdrawal of the rejection.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 4 and 5 are rejected as allegedly indefinite. Applicants traverse. This rejection includes the term "high molecular weight" in claims 4 and 5. Applicants have amended claims 4-5 to remove reference to "high molecular weight", thus rendering the rejection moot.

Claims 4 and 5 are also rejected as allegedly indefinite for recitation of "surfactant". Applicants have amended claims 4 and 5 to clarify the claimed subject matter.

Based on the foregoing, Applicants respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 1-25 are rejected in view of Scialla (EP 0 619 367 A1). Applicants traverse.

To establish a *prima facie* case of obviousness, three criteria need be met: (i) there must be a suggestion or motivation to modify the reference or combine the teachings; (ii) there must be a reasonable expectation of success; and (iii) the prior art reference must teach or suggest all the claim limitations. See, MPEP 2143. Based on the amended claims, Applicants submit that at least one of the three criteria is not met in each of the rejections stated in the Action.

As has been stated previously, Scialla is wholly silent in relation to the treatment of biofilm and instead is directed towards the killing of bacteria. As previously explained, biofilm is a far more complex biological system than simple bacteria.

The current amendment limits the enzyme preserving means to a boron compound. However, Applicants' claimed subject matter is distinct and distinguishable over Scialla. Scialla does specify the presence of one boron compound, perborate, which is said in Scialla to be present as a source of peroxide. Perborate, however, would clearly not act to stabilise the enzyme, but rather, being a source of peroxide, would actively deactivate the enzyme. Thus, the boron compound in the present invention is one which is enzyme stabilizing unlike Scialla where the boron compound (i.e., perborate) is an enzyme deactivating compound.

The newly presented claim further specifies that the boron compound is borax. Scialla does not disclose or suggest the use of borax, and moreover the use by Scialla of a boron compound which is an active source of peroxide, added specifically for that purpose, would not motivate a person skilled in the art to add a non-peroxy boron compound to an enzyme. Moreover, it is noteworthy that the examples in Scialla are all free from boron compounds. In short, Scialla fails to teach or suggest at least one of the

elements of Applicant's claimed subject matter (e.g., a boron compound as an enzyme preserving means).

Applicants therefor respectfully request withdrawal of the rejection.

In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65428(70403).

Dated: October 20, 2010

Respectfully submitted,

Electronic signature: /Jeffrey D. Hsi/
Jeffrey D. Hsi
Registration No.: 40,024
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5569
Attorneys/Agents For Applicant